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Subject: Afternoon Energy: WOTUS going on — Zinke on California fires, climate change — NRDC pans EPA transparency rule

By Garrett Ross and David Beavers | 08/16/2018 05:22 PM EDT

WOTUS GOING ON: The Trump administration violated administrative legal requirements when it delayed the start of the Obama administration's Waters of the U.S. rule by two years, a federal judge ruled today, meaning the rule will now go into effect for about half the country, Pro's Alex Guillén reports. The judge said EPA and the Army Corps of Engineers had unlawfully declined to consider any comments addressing substantive issues related to WOTUS or an earlier 1982 version when it proposed delaying the rule to give the agencies more time to repeal and replace it.

Judge David Norton of the U.S. District Court for South Carolina ruled that was a fatal flaw and wrote that delaying the WOTUS rule has the effect of reverting to the 1982 rule. Norton's injunction means the Obama-era rule will take effect in 26 states. The other 24 are covered by two different injunctions.

WOTUS may be blocked nationwide again if the rule's opponents get their way: A federal court in Texas has yet to rule on a February request from three states asking for a national injunction. The administration is working to finalize its repeal of the Obama WOTUS rule, and EPA and the Corps are expected to propose a replacement rule in the near future. Read more here.

Welcome to Afternoon Energy! We're your hosts Garrett Ross and David Beavers. Send suggestions, news and tips to gross@politico.com, dbeavers@politico.com, mdaily@politico.com and njuliano@politico.com, and keep up with us on Twitter at [@garrett_ross](https://twitter.com/garrett_ross), [@davidabeavers](https://twitter.com/davidabeavers), [@dailym1](https://twitter.com/dailym1), [@nickjuliano](https://twitter.com/nickjuliano), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ZINKE ON CALIFORNIA FIRES, CLIMATE CHANGE: Interior Secretary Ryan Zinke said the "devastation in the California fires is the worst I've ever seen," during an appearance on Fox Business today. "And, the debate, whether it's from climate change or not from climate change is irrelevant to what's occurred. It doesn't relieve you the responsibility to manage the forest." He went on to criticize those who "are claiming to protect our habitat are the same ones who are watching the habitat burn year after year."

On the subject of climate change in general, Zinke contends that the jury is still out. "It's clear in the forest fires the temperatures are being elevated, and the fire season has extended, it's longer. There's no dispute about that, and there's no dispute that the climate is changing, although it has always changed. Whether man is the direct result, how much of that result is, that still is being disputed." Watch the full clip here.

The topic was also broached during President Donald Trump's Cabinet meeting today, where Zinke reiterated that the forests had been mismanaged for decades. "It is a matter of gross mismanagement," he said, according to Bloomberg. Trump chimed in as well: "Ryan was saying it's not a global warming thing it's a management issue," the president said. Read more here.

HOLD YOUR COMMENTS: In advance of today's deadline for commenting on EPA's "scientific transparency" rule, the Natural Resources Defense Council submitted 127 pages of comments opposing the plan, which would prohibit the use of studies that don't publicly disclose their data. The environmental group pans the so-called secret science proposal as an "attack on science" in its comments, adding that "neither the

Proposal nor docket contains any factual, scientific, technical, logical, or legal support for the suggestion that science and data that are 'publicly available in a manner sufficient for independent validation' are necessary elements for the 'validity,' 'reliability,' or 'transparency' of scientific information."

SEE YOU IN COURT: The Center for Biological Diversity filed a lawsuit today against the Trump administration for allegedly failing to protect the West Coast habitat of the remaining Southern Resident Killer Whale population, which is down to 75. The [lawsuit](#), filed in the U.S. District Court for the Western District of Washington, names Secretary of Commerce Wilbur Ross and National Marine Fisheries Service West Coast Regional Administrator Barry Thom as defendants. The environmental group filed a petition in 2014 to expand the whale's habitat to protect their winter feeding areas but says in the lawsuit that no action has been taken.

TAKING MEETINGS: Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) (R-Alaska) will sit down with Supreme Court nominee Brett Kavanaugh for a chat next week, according to [E&E News'](#) [Geof Koss](#).

GLICK 'AT A LOSS': FERC Commissioner Richard Glick Wednesday said he's "at a loss" over controversial [comments](#) made by commission chief of staff Anthony Pugliese that FERC is working with the White House, Department of Energy and the National Security Council to identify power plants that are critical to the grid as part of the administration's effort to prop up the coal industry, [Utility Dive reports](#). "I would like to know what they're doing," Glick said, referring to the FERC staff. "I think Commissioner [Neil] Chatterjee would like to know what they're doing and so would Commissioner [Cheryl] LaFleur, so I just thought I'm kind of at a loss right now trying to figure out what they are doing."

IN DENIAL: A Washington state board dealt another blow to a proposed coal project in Longview, upholding the denial of a water quality permit for the Millennium Bulk Terminals facility, [The Daily News reports](#). "The State Department of Ecology in 2017 denied Millennium's application for a Clean Water Act certification, citing 'unavoidable and significant adverse environmental impacts associated with construction and operation of the project,' according to the Pollution Control Board ruling. Millennium spokesperson Wendy Hutchinson said Ecology's decision was based on Millennium's planned train traffic, not impacts to water quality. 'We feel it was an improper application of the Clean Water Act,' she said. 'We're confident that the law is on our side. It's black and white in the Clean Water Act. The question the state was asked was does this harm water quality. It does not.'" [Read more here](#).

FOR YOUR RADAR: Quartz and the Texas Observer embarked on a nine-part investigative series today exploring the nexus of climate change effects on water at the U.S.-Mexico border. "Climate change is already driving water scarcity, a global problem that transcends politics, nationality, borders — and demands a solution that does the same. Shallow Waters investigates the Texas-Mexico border, one of the fastest-growing regions in North America, and a microcosm of a larger story of climate-change conflict, where our survival depends on cross-border cooperation," says the introduction for the series. The first installment is a deep-dive on relations between the two nations in the context of access to water, complete with interactive graphics and illustrations. [Read it here](#) and keep up with the series [here](#).

QUICK HITS:

- Turkey's energy bill soars as its currency tumbles, [Wall Street Journal](#).
- The energy sector is 'off the charts oversold,' [MarketWatch](#).
- Economy a Strength for Trump; Russia, Environment Weaknesses, [Gallup](#).
- Trees are migrating west to escape climate change, [Popular Science](#).

WIDE WORLD OF POLITICS:

- Trump scraps Obama rules on cyberattacks, giving military freer hand.
- Pentagon punishes reporters over tough coverage.
- Trump irks GOP by praising 3 candidates in 1 Senate race.

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Stories from POLITICO Pro

Judge restores WOTUS rule in 26 states [Back](#)

By Alex Guillén | 08/16/2018 03:20 PM EDT

A federal judge today ruled that the Trump administration violated administrative legal requirements when it delayed the start of the Obama administration's Waters of the U.S. rule by two years — a move that means the rule will now go into effect for about half the country.

The judge said EPA and the Army Corps of Engineers had unlawfully declined to consider any comments addressing substantive issues related to WOTUS or an earlier 1982 version when it proposed delaying the rule to give the agencies more time to repeal and replace it.

That was a fatal flaw, ruled Judge David Norton of the U.S. District Court for South Carolina, a George H.W. Bush appointee. Delaying the WOTUS rule has the effect of reverting to the 1982 rule, he wrote.

Norton's injunction means the Obama-era rule will take effect in 26 states. The other 24 are covered by two different injunctions, one issued to 13 states in 2013 and one issued to another 11 states in June.

However, WOTUS may be blocked nationwide again if the rule's opponents get their way. In another WOTUS lawsuit in a federal court in Texas, three states in February asked for a nationwide injunction of WOTUS. That court has yet to decide on the matter.

WHAT'S NEXT: The Trump administration is working to finalize its repeal of the Obama WOTUS rule. And EPA and the Corps are expected to propose a replacement rule in the near future.

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Fears grow of political influence at FERC [Back](#)

By Darius Dixon | 08/09/2018 05:36 PM EDT

Environmentalists and consumer advocates are raising fears about the politicization of FERC following controversial comments from the chairman's chief of staff and news that an architect of the Trump administration's coal and nuclear assistance plan is set to be nominated for the independent commission.

Consumer group Public Citizen called on FERC Chairman Kevin McIntyre to oust his top aide, Anthony Pugliese, who was quoted Thursday criticizing New York state. Pugliese told a nuclear industry conference on Tuesday that he would "pick on New York because I enjoy doing that" and went on to criticize the state's resistance to new pipelines, E&E News reported based on a recording obtained from Atomic Insights' Rod Adams.

"It can be very frustrating from my perspective, from FERC's perspective, from the administration's perspective, when you have states who are unwilling to — they have no desire to put infrastructure in the ground regardless of what it is," Pugliese told a meeting of the American Nuclear Society in Florida on the tape, which POLITICO confirmed Thursday.

Tyson Slocum, Public Citizen's energy program director, urged McIntyre to obtain Pugliese's "immediate resignation" because his criticism of New York undermines FERC's commitment to be an unbiased regulator.

"An apology from Mr. Pugliese is insufficient, as the damage to FERC's reputation has already been done," Slocum wrote in a letter to McIntyre. "Only Mr. Pugliese's immediate resignation can suffice."

Meanwhile, environmentalists pounced after POLITICO reported Wednesday that Energy Department policy chief Bernard McNamee is in line to be nominated for a leadership spot opening up at the end of the week. McNamee helped Energy Secretary Rick Perry roll out a proposal to FERC last year to prop up coal and nuclear power plants, and he is a strong proponent of expanded fossil fuel use.

"It's outrageous that someone so clearly biased, who has championed an expensive and unnecessary bailout for millionaire Trump supporters, is even being considered as a commissioner to this independent agency, and we'll do everything we can stop his nomination," Mary Anne Hitt, the senior director of the Sierra Club's Beyond Coal Campaign, said in a statement.

McNamee would replace outgoing FERC Commissioner Rob Powelson, who is leaving to become head of a water industry trade association. Powelson, a Republican former Pennsylvania state regulator, was one of the leading critics of the Trump administration's efforts to save struggling coal and nuclear plants.

But not everyone was convinced that McNamee's ascension would guarantee FERC's endorsement of coal and nuclear subsidies.

"It is highly unlikely that McNamee's nomination to fill departing Commissioner Powelson's spot will change FERC's overall thought process on the coal/nuclear bailout issue," Rabeha Kamaluddin, a partner with law firm Dorsey & Whitney who works with FERC, said in a statement. "None of the other four FERC commissioners agree that the country's power grid faces a dire enough emergency to justify a plan to invoke national security to save coal/nuclear plants."

However, the authority to declare a grid emergency rests with the president and DOE, not regulators at FERC.

Pugliese, already the most public-facing and outspoken FERC chief of staff in recent memory, also said at the nuclear conference this week that the agency was working with DOE, the Pentagon, and the National Security Council to "identify the plants that we think would be absolutely critical" in case of a disaster — an effort critics see as a precursor to seeking interventions in the power markets.

He also expressed support for keeping nuclear plants online and raised fears of natural gas pipeline vulnerabilities that echoed other members of the Trump administration.

"It is incredibly important to the national security of the United States that we ensure that some of these critical assets like these nuclear plants do not go the way of ... the dodo bird," Pugliese said. There are adversarial countries, he added, "who see, for example, pipelines as an area of great opportunity" for attack.

Public Citizen's Slocum said he plans to submit filings with FERC arguing that the agency's work with another department to identify specific power plants as critically important "needs to be part of the public docket record."

"FERC can't be doing all this work with DOE on an issue directly related to an active docket," he said in an email.

The agency itself sought to downplay Pugliese's comments about coordinating with other agencies to select power plants, but FERC said nothing about this criticisms of New York state, which has used Clean Water Act certifications to block pipeline projects.

"In response to a question after the speech, the Chief of Staff was simply stating that the federal government is working to ensure that important critical infrastructure, like hospitals, remains operational," FERC said in a statement. "FERC is an independent agency and therefore has not assisted in the development of policy but provides technical assistance as subject matter experts."

Just last month, Pugliese rattled many people at FERC and those who do business with it when he did an interview with a conservative Breitbart radio program where he similarly criticized Democrats in the Northeast over natural gas pipelines. His statements this week have only fueled concerns from industry lawyers, agency staff and former officials that he's speaking out in a way that has long been frowned upon for FERC staff in the past.

In his speech to ANS this week, Pugliese also asked members of Congress to "put pressure" on Senate Majority Leader Mitch McConnell to speed up the confirmation of a new FERC commissioner, though he did not name McNamee.

During his brief time as FERC chairman last summer, Commissioner Neil Chatterjee, a former McConnell aide, hired Pugliese into the chief of staff position, traditionally a high-importance but low-profile job at the agency. McIntyre in turn chose to keep Pugliese on board when he took over the chairmanship in December.

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Pentagon punishes reporters over tough coverage [Back](#)

By Jason Schwartz | 08/16/2018 05:05 AM EDT

The Pentagon's top spokesperson was ostensibly seeking to make peace with the media when she headed down to the building's press bullpen about three weeks ago for an off-the-record discussion on how to improve relations.

But the meeting quickly grew combative, according to three people who were in the room. When reporters raised issues like vanishing access to Defense Secretary Jim Mattis and other top officials, Dana White pushed back by criticizing the accuracy of press corps members' reporting.

She made clear, according to the reporters present, that she was watching what they wrote and put on-air — with the implication that there would be repercussions for stories she and her staff did not like.

White and the Pentagon's press operation have already restricted access to briefings, interviews and travel with Mattis. But in recent weeks, several reporters said that they increasingly feel as though individual journalists are being retaliated against for stories they've written, losing yet more access. In one case this spring, officials pulled away a reporter's plum opportunity to embed with U.S. troops overseas following a story they found too critical.

Another example involved the military-news outlet Defense One, which was left out of a media roundtable with the deputy secretary of defense earlier this month to help roll out President Donald Trump's proposed Space Force. The slight came after a Defense One reporter got an early scoop on plans to set up the new branch, breaking the story before the Pentagon was ready for it to go public.

Kevin Baron, the executive editor of the site, confirmed that none of his reporters were invited to the briefing and said that White had conceded to him in an email that the snub was due to the initial story.

Baron said White apologized for the incident in the email, saying that she was not aware that Defense One had been singled out and that the decision was made unbeknownst to her office's leadership. The briefing had been organized out of the deputy secretary of defense's office.

"It seems Defense One was deliberately left out of a briefing in retaliation for our reporting," Baron said, adding that he had been assured that "we would be included to all future, relevant briefings."

Baron said he was pleased with how the situation was resolved and that White addressed it with him promptly.

White declined to comment, other than to offer a statement through Pentagon spokesman Charles Summers: "We are guided by the principles of information and committed to ensuring the accessibility of timely and accurate information to the media, the Congress and the American people. And we prioritize diversity of reporting during engagements and travel with Secretary Mattis and all of our senior leaders in the Department of Defense."

After initially declining to comment further, Summers called back to more forcefully deny any retaliation against reporters, though he said he had not seen the email Baron said White sent him and could not address it.

"There is no retaliation," Summers said, adding that while some reporters might feel they are invited on fewer foreign trips with Mattis than they were in previous administrations, that was because the department was seeking to include more "regional media and bring non-traditional media."

"The notion that someone doesn't have access or someone is shut out, that's absolutely not accurate," Summers added.

Still, Pentagon reporters say that the sorts of tactics they're noticing, coupled with eroding access to top Defense Department officials, make it increasingly difficult to provide information to Americans about the activities of the Defense Department, a huge sector of the Trump administration that controls billions of dollars in spending and oversees U.S. troops at home and abroad.

"There is a climate of punitiveness here if you don't write what they like," one reporter said.

Another reporter said: "It's not unusual for an administration to monitor what reporters are doing and reporters produce. What's unusual now is it's being used to evaluate whether we'll be included in things or invited to things. ... It's never been so overt."

White, a political appointee who previously worked for The Heritage Foundation and in Republican politics, has also been accused of retaliating against her own staff: On Tuesday, CNN broke the news that she is being investigated by the Defense Department inspector general for allegedly using staff members to run personal errands, such as picking up dry-cleaning or lunch, and helping her with personal business, including filling out mortgage paperwork. In addition, CNN reported that she is accused of retaliating against staffers who complained by having them transferred.

Reporters say they see similar treatment applied to their colleagues by White and others in her department. Several Pentagon reporters said NBC News' Courtney Kube has not been invited to multiple briefings and has been left off emails alerting reporters about press opportunities. Kube has written about issues in Mattis' relationship with President Donald Trump, earning the particular ire of the defense secretary, who derided one of her stories as "fiction" to other reporters.

Kube did not respond to a request for comment.

Reporters who find themselves left out of briefings or excluded from traveling with the press secretary — seemingly with little explanation — have been left to wonder if it was something they said or wrote. For instance, after The New York Times published a story on the death of four American soldiers in Niger — ahead of the official Pentagon report on the subject — there was a background briefing to prepare reporters for the Pentagon's assessment. Two reporters from other outlets who were in the room told POLITICO that, when they looked around, it struck them as odd that nobody from the Times was present.

Times Washington Bureau Chief Elisabeth Bumiller declined to comment.

"There have been individual cases where people have been told we don't like your coverage," one reporter said. "You'll say to someone innocuously, 'Are you going to that briefing?' and that's how you'll discover they weren't invited. You don't know. You find out by accident you weren't invited."

Mattis occasionally strolls into the Pentagon press bullpen to talk with reporters and, when he does, his staff usually sends out an email to give reporters a heads-up — but the message typically does not reach everybody. As a result, reporters have started alerting one another when such a note goes out.

The issues extend beyond briefings. The Washington Post's Dan Lamothe had a rare opportunity to embed with U.S. Special Forces in Afghanistan in May pulled away after officials objected to an April story he wrote on Afghan commandos, according to reporters familiar with the situation.

The story in question was a straightforward account of how the Afghan military, by increasing its number of elite commando troops, was depleting its conventional army ranks. But officials took issue with the tone and some of the quotes used, the reporters said.

Securing that type of embed with special forces requires intense planning and consideration of risk on both sides, said a reporter from a different outlet, who called it "a hell of a thing to get." To have the opportunity revoked, the reporter said, "is as egregious as it is unusual."

Lamothe was able to embed with other units — salvaging the trip he had planned — but he lost out on his front row seat on the elite U.S. forces.

In a statement to POLITICO, Lamothe said: "During a reporting visit in April to cover U.S. troops in Afghanistan, I was offered a rare opportunity to embed with U.S. Special Forces fighting Islamic State militants in Afghanistan. While preparing for that assignment in May, I was told that the Special Forces embed offer was revoked. I traveled back to Afghanistan a short time later, and instead accepted offers to embed with the Army's new security force adviser brigade and U.S. military advisers who train the Afghan air force. I stand by my reporting, and thank the units that allowed me to spend time alongside them."

It's not clear whether that decision was made by Pentagon civilian staff or by the military. But Baron said tensions have grown to the point that any snub of a news organization raises questions of retribution.

"Because of the preexisting climate, people start to wonder if it's retaliation more than I think you would normally," he said. "I worry, because I've heard that it may be happening to other reporters, and I worry what kind of signal it sends to the rest of military bases around the world."

In many realms of journalism, it's not unheard of for a company or an agency to cut off a reporter after a tough story. Last month, controversy erupted after the White House banned CNN reporter Kaitlan Collins from covering a Rose Garden event, because officials were unhappy with questions she shouted at Trump during an Oval Office photo op.

But given the gravity of their beat, Pentagon reporters have traditionally stayed above the political fray. Journalists who work out of the Pentagon's press center are free to roam most areas of the building, and many have worked there for years, allowing them to build strong relationships, especially with the nonpolitical staff. But much of that has eroded under Trump. Many believe Mattis has avoided the press in part to stay out of the president's cross hairs.

Hired in April 2017, White alienated many in the Pentagon — inside and outside the press corps — by forcing out a popular military spokesman, Col. Steve Warren, shortly after coming on the job. Her relationship with the press has been difficult since, all the way through to the accusations of retribution.

"It's definitely a change of past practice from previous administrations and defense secretaries," said Baron, the Defense One executive editor. "It's not something that we're used to at the Pentagon. Things are just different at the Pentagon. These are veteran reporters who cover life and death and war and peace."

One former Pentagon spokesman said retaliation for stories "should not be in the toolbox."

"You should have good healthy relationships with the press corps covering your agency," the former spokesman said. "If you invest in those relationships, you won't even have to get to the point of retaliation."

He added, "Like war itself, it should be the last option."

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Trump irks GOP by praising three candidates in one Senate race [Back](#)

By James Arkin and Alex Isenstadt | 08/16/2018 05:07 AM EDT

In Arizona's Republican Senate primary, front-runner Martha McSally is airing ads featuring a video clip of President Donald Trump calling her "the real deal." Her main challenger, Kelli Ward, is circulating mailers featuring a photo of her smiling alongside the commander-in-chief. The third-place candidate, Joe Arpaio, carries the rare distinction of having received a criminal pardon from Trump: The ex-sheriff recently sent a video of the president praising him to potential donors.

None of the three actually has Trump's endorsement. But all of them are acting like they do — and the president seems just fine with it, even if many in his party are not.

The president's decision so far to withhold his endorsement has led to a total muddle, prolonging the GOP slugfest in one of the most important Senate races in the country and allowing the presumed Democratic nominee, Kyrsten Sinema, to get a free pass.

With the Aug. 28 primary less than two weeks away, establishment Republicans have grown increasingly anxious that they're squandering a critical window of time to define Sinema, who faces a nominal primary opponent. She's spent millions of dollars running positive TV ads to boost her image and set the terms of the general election, while no Republican groups have countered.

The race is critical to both parties' hopes of controlling the Senate, as Republicans defend a 51-49 majority: If Democrats can capture Arizona for the first time in three decades, it will give them a legitimate opening to retake the chamber this fall.

"[Sinema has] used the time well and quite frankly it's shocking to me that it's gone uncontested," said Chuck Coughlin, a veteran Republican strategist based in Phoenix. "She's done a good job of narrating her candidacy and they've given her a blank canvass to work on. I think it's a problem for whoever the Republican nominee is," adding that he expects McSally to prevail in the primary.

Dan Eberhart, a major Republican donor based in Phoenix who supports McSally, said while the leading Republican candidate is working hard, "Basically nobody is happy that she hasn't either put Ward away or aimed her fire at Sinema."

There are indications McSally still sees Ward as a threat. Her campaign this week went up with two TV ads going after Ward, and a pro-McSally super PAC has been hitting Ward with several attack ads.

Most Republicans are confident in polling showing McSally ahead, particularly with early voting by mail well underway. Coughlin said he thinks the anti-Ward ads are being aired "out of an abundance of caution."

Still, during a recent phone call, NRSC Chairman Cory Gardner asked the president to endorse McSally, something GOP officials believe would have essentially locked down the race for the congresswoman. But Trump did not give him a yes or no answer.

McSally traveled to New York this week to be on site for Trump signing a defense spending bill. The president gave her a shoutout during his speech, but not an endorsement.

"There's another member of Congress here today who is not only an Air Force veteran, but the first woman ever to fly a fighter jet in combat in U.S. history and I have gotten to know her very well and she is terrific," Trump said of McSally.

McSally's team was quick to highlight the clip in a news release and on Twitter.

While the president has refused to take sides in the contest, Trump aides have been frustrated by Ward's continued efforts to imply she has the president's support. Ward recently sent out a mailer to voters showing her photographed with the president, rankling White House aides.

The mailer also included an image of a tweet in which Trump said, "Great to see that Dr. Kelli Ward is running." But the mailer cut off the rest of the president's tweet, which was sent in August 2017.

"Great to see that Dr. Kelli Ward is running against Flake Jeff Flake, who is WEAK on borders, crime and a non-factor in Senate. He's toxic!" Trump wrote in the full tweet. (A spokesman for Ward defended the mailer to AZCentral.com, which first reported the omission, saying the message of the tweet remained the same.)

People close to the president say not to expect any firm endorsement in the contest.

"President Trump has not endorsed anyone in the GOP Senate primary in Arizona and any photos or other general expressions of support shouldn't be read as such," said someone familiar with the operations of the Trump campaign. "He likes all of the candidates in the race very much and looks forward to supporting our nominee in the fall campaign to replace Jeff Flake in the Senate."

Two senior Republicans in the state say they expect Trump to hold a post-primary "unity" rally, though the White House hasn't yet announced any plans for an Arizona trip.

In a statement to POLITICO, Arpaio said he was not bothered by the efforts by Republican leaders to secure a Trump endorsement for McSally.

"At this time my only comment is my relationship with the President speaks for itself. It is no secret that Mitch McConnell and the Establishment do not want me in the US Senate," he said.

Ward, in an interview in Washington last month, said much the same.

"I know that the Mitch McConnell faction and the establishment pushes [McSally] out as much as they can because that's their insider advantage that I don't have," she said.

While Republicans continue to slug it out, Sinema's campaign has run free on the airwaves. She's spent more than \$4 million on TV, running six different ads on health care, her work with veterans and her "record of independence." Her first ad, launched in April, featured her brother, who is a veteran and police officer.

One-third of Arizona voters don't identify with either party, and Sinema's ads have been aimed squarely at those voters — none of them mention the word "Trump" or "Democrat." The ad campaign has been so sustained that going "negative against her is going to be extremely difficult," said veteran Arizona Democratic strategist Andy Barr.

Travis Smith, a consultant for McSally's campaign, brushed aside concern about Sinema owning the airwaves all summer. He said internal polling between April and July showed only a small uptick in Sinema's favorability rating, while her negative ratings also rose by a slightly higher amount.

National Democrats haven't had to spend to boost Sinema. Instead, a super PAC, Red and Gold, which was formed this month and hasn't filed any information on its donors, has spent \$1.6 million airing anti-Mcsally ads.

Defend Arizona, a pro-McSally super PAC, launched an ad Wednesday pushing back on the Democratic primary meddling. The group has also been running multiple attack ads against Ward.

"We are focused first on the primary," said Barrett Marson, a spokesman for Defend Arizona, "and then we will focus on Kyrsten Sinema's liberal record."

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